

# Exhibit A



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/000,120	01/17/2006	6210293	00634.0004.RXUS01	6322
7590	03/09/2011		EXAMINER	
Dorothy P. Whelan Fish & Richardson P. C. P. O. Box 1022 Minneapolis, MN 55440-1022			GELLNER, JEFFREY L	
			ART UNIT	PAPER NUMBER
			3993	
			MAIL DATE	DELIVERY MODE
			03/09/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

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CALLAWAY GOLF COMPANY  
Patent Owner

ACUSHNET COMPANY  
Third Party Requester

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*Inter partes* Reexamination Control Proceedings 95/000,120; 95/000,121;  
95/000,122; 95/000,123  
Patents 6,210,293; 6,503,156; 6,506,130; 6,595,873

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DECISION ON PETITIONS

This is a decision on Patent Owner's:

1. "Petition to Vacate Inter Partes Reexaminations or, in the Alternative, to Postpone Oral Hearing," filed January 12, 2011;
2. "Petition for Temporary Relief In light of New Court Decision," filed January 14, 2011;
3. "Supplemental Petition for Temporary Relief In light of New Court Decision," filed January 14, 2011; and
4. "Petition to Accept Reply Filing and Reply In Further Support of Callaway Golf's Supplemental Petition for Temporary Relief In light of New Court Decision," filed January 18, 2011.

*Inter partes* Reexamination Control Proceedings 95/000,120; 95/000,121; 95/000,122 and 95/000,123  
Patent 6,210,293; 6,503,156; 6,506,130 and 6,595,873

Also considered with the foregoing petitions by Patent Owner was Third Party Requester's:

"Acushnet Company's Comprehensive Response and Opposition to Callaway's Petitions to (1) Vacate *Inter Partes* Reexaminations or, in the alternative, to Postpone Oral Hearing, (2) Supplemental Petition for Temporary Relief in light of New Court Decision; and (3) Petition for Temporary Relief in light of New Court Decision," filed January 18, 2011.

Patent owner's Petitions present two issues:

1. Should the present reexamination proceedings be vacated?
2. Should the oral hearing scheduled for January 19, 2011 be postponed?

## FINDINGS

1. An oral hearing was scheduled for January 19, 2011 in the present reexamination proceedings. On January 6 and 18, 2011, the Chief Administrative Patent Judge entered Decisions denying Patent Owner's Petitions to postpone the oral hearing. An oral hearing was held on January 19, 2011, as scheduled. Thus, the issue of whether or not to proceed with the oral hearing is moot.
2. Patent Owner previously sought dismissal of the 120 reexamination proceeding in Petitions filed on April 13, 2006 and June 16, 2006. Those Petitions were denied, respectively, in Decisions entered June 7, 2006 and September 7, 2006. The Decision of September 7, 2006 stated that:

*Inter partes* Reexamination Control Proceedings 95/000,120; 95/000,121; 95/000,122 and 95/000,123  
Patent 6,210,293; 6,503,156; 6,506,130 and 6,595,873

This decision is a final agency action within the meaning of 5 U.S.C. § 704.

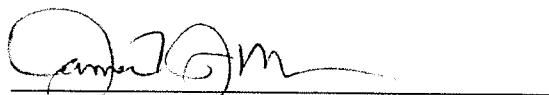
Decision, p. 15 (emphasis in original.)

## ANALYSIS

In the final agency action of September 7, 2006, the Office of Patent Legal Administration (OPLA) specifically addressed Patent Owner's argument made then and now that Requester's breach of a settlement agreement by instituting a reexamination proceeding constitutes sufficient cause for vacating the reexamination proceeding. *See*, Decision Denying Petition for Reconsideration and Returning Improper Paper, pp. 6-11 (OPLA Sept. 7, 2006). That argument was rejected. The period for Patent Owner to seek appropriate relief from the OPLA Decision of September 7, 2006 has long since expired.

## DECISION

In view of the forgoing, the Patent Owner's Petitions are DENIED. The Board of Patent Appeals and Interferences will decide the appeals in the present proceedings.



James T. Moore  
Acting Chief Administrative Patent Judge

*Inter partes* Reexamination Control Proceedings 95/000,120; 95/000,121;  
95/000,122 and 95/000,123  
Patent 6,210,293; 6,503,156; 6,506,130 and 6,595,873

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